

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

UNITED STATES OF AMERICA,	:	Case No. 3:12-cv-36
	:	
Plaintiff,	:	Judge Timothy S. Black
	:	Magistrate Judge Michael R. Merz
vs.	:	
	:	
BRYAN CRAIG MILAN,	:	
	:	
Defendant.	:	

DECISION AND ENTRY: (1) ADOPTING THE REPORT AND RECOMMENDATIONS OF THE MAGISTRATE JUDGE (Doc. 22); (2) DENYING AND DISMISSING DEFENDANT’S MOTION TO VACATE (Doc. 21) WITH PREJUDICE; (3) DENYING ANY REQUESTED CERTIFICATE OF APPEALABILITY; AND (4) CERTIFYING THAT AN APPEAL WOULD BE OBJECTIVELY FRIVOLOUS

This case is before the Court on the Report and Recommendations of United States Magistrate Judge Michael R. Merz. (Doc. 22). Defendant did not file any objections to the Report and Recommendations and the time for doing so has expired. Accordingly, the issues are ripe for decision by the Court.

As required by 28 U.S.C. § 636(b) and Fed. R. Civ. P. 72(b), the Court reviewed the comprehensive findings of the Magistrate Judge and considered the issues presented *de novo*. Based on that review, the Court: (1) **ADOPTS** the Report and Recommendations of the Magistrate Judge (Doc. 22) in its entirety; (2) **DENIES** and **DISMISSES** Defendant’s Motion to Vacate (Doc. 21) **WITH PREJUDICE**; (3) **DENIES** any requested certificate of appealability; and (4) **CERTIFIES** that that an appeal would be objectively frivolous.

IT IS SO ORDERED.

Date: 8/30/2013

s/ Timothy S. Black
Timothy S. Black
United States District Judge